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Attorneys for Defendant Starbucks Corporation

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DOUGLAS TROESTER, on behalf of  
himself, and all others similarly  
situated,

Plaintiffs,

v.

STARBUCKS CORPORATION, a  
Washington corporation; and DOES 1-  
50, inclusive,

Defendants.

Case No. 2:12-cv-07677-GAF-PJW

**DEFENDANT STARBUCKS  
CORPORATION'S EVIDENTIARY  
OBJECTIONS IN SUPPORT OF ITS  
MOTION FOR SUMMARY JUDGMENT  
OR, IN THE ALTERNATIVE,  
SUMMARY ADJUDICATION**

[Reply Memorandum, Reply Separate  
Statement, Responses to Evidentiary  
Objections, and Supplemental Declaration of  
Jonathan P. Slowik filed concurrently]

Date: March 10, 2014

Time: 9:30 a.m.

Crtrm: 740

Judge: Hon. Gary A. Feess

Date Action Filed: August 6, 2012

**STARBUCKS CORPORATION'S EVIDENTIARY OBJECTIONS**

Additional Separate Statement Paragraph 3: Objection to the Barnett, Ali, Barb, Ashby, and Armington declarations on the grounds that this testimony is irrelevant. The fact that Starbucks employees sometimes work shifts at multiple stores is not probative of any fact in consequence in determining the action. The experiences of these employees are also not probative regarding *Troester's* claims for alleged unpaid time, which is all that is at issue here. Fed. R. Evid. 401, 402; *see Tate v. Hartsville/Trousdale County*, No. 3:09-0201, 2010 WL 4054141, at \*4 (M.D. Tenn. Oct. 14, 2010) (when no class has been certified, the proper inquiry upon summary judgment is the named plaintiff's claim, not the claims of absent class members).

Additional Separate Statement Paragraph 18: Objection to the Barnett, Ali, Barb, Ashby, and Armington declarations on the grounds that this testimony is irrelevant. The experiences of five employees are not indicative of Starbucks company-wide training materials and practices. Nor are the experiences of these employees probative regarding *Troester's* claims for alleged unpaid time, which is all that is at issue here. Fed. R. Evid. 401, 402; *see Tate*, 2010 WL 4054141, at \*4 (when no class has been certified, the proper inquiry upon summary judgment is the named plaintiff's claim, not the claims of absent class members).

Additional Separate Statement Paragraph 19: Objection to the Barnett, Ali, Barb, Ashby, and Armington declarations on the grounds that this testimony is irrelevant. The experiences of five employees are not indicative of Starbucks company-wide training materials and practices. Nor are the experiences of these employees probative regarding *Troester's* claims for alleged unpaid time, which is all that is at issue here. Fed. R. Evid. 401, 402; *see Tate*, 2010 WL 4054141, at \*4 (when no class has been certified, the proper inquiry upon summary judgment is the named plaintiff's claim, not the claims of absent class members).

1        Additional Separate Statement Paragraph 22: Objection to the Barnett, Ali, Barb,  
2 Ashby, and Armington declarations on the grounds that this testimony lacks foundation  
3 and personal knowledge. The witnesses have not established that they are qualified to  
4 testify about what Starbucks knew about Troester's alleged unpaid time. Fed. R. Evid.  
5 602. The testimony is also irrelevant, because the experiences of these employees are  
6 not probative regarding *Troester's* claims for alleged unpaid time, which is all that is at  
7 issue here. Fed. R. Evid. 401, 402; *see Tate*, 2010 WL 4054141, at \*4 (when no class  
8 has been certified, the proper inquiry upon summary judgment is the named plaintiff's  
9 claim, not the claims of absent class members).

10        Additional Separate Statement Paragraph 35: Objection to the Setareh  
11 Declaration, paragraph 30, on the grounds that this testimony is irrelevant.  
12 Mr. Setareh's flawed analysis vastly overstates Troester's alleged unpaid time, and any  
13 extrapolation from that analysis therefore is not probative of the issues in dispute. *See*  
14 Supp. Slowik Decl. ¶¶ 3-11. Fed. R. Evid. 401, 402.

15        Additional Separate Statement Paragraph 36: Objection to the Setareh  
16 Declaration, paragraph 31, on the grounds that this testimony lacks foundation and  
17 personal knowledge. Mr. Setareh has not established that he is qualified to testify about  
18 what happens on every closing shift, in each one of Starbucks 1,900 California stores.  
19 Fed. R. Evid. 602. This testimony is also is irrelevant. Mr. Setareh's flawed analysis  
20 vastly overstates Troester's alleged unpaid time, and any extrapolation from that  
21 analysis therefore is not probative of the issues in dispute. Nor are the experiences of  
22 other employees at other stores probative regarding *Troester's* claims for alleged unpaid  
23 time, which is all that is at issue here. *See* Supp. Slowik Decl. ¶¶ 3-11. Fed. R. Evid.  
24 401, 402; *see Tate*, 2010 WL 4054141, at \*4 (when no class has been certified, the

1 proper inquiry upon summary judgment is the named plaintiff's claim, not the claims of  
2 absent class members).

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4 Dated: February 24, 2014

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Jonathan P. Slowik

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7 By /s/ Gregory W. Knopp  
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8 Attorneys for Defendant  
Starbucks Corporation  
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